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PATENT  
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#13/C  
(RE)  
DMT  
5-14-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Roussel et al. ) Group Art Unit: 1651  
Serial No.: 09/331,554 )  
Filed: August 23, 1999 )  
Title: ABSORBABLE COMPOSITION CONTAINING )  
PROPIONIC BACTERIA CAPABLE OF RELEASING )  
NITRIC OXIDE IN THE HUMAN OR ANIMAL )  
ALIMENTARY CANAL ) Examiner: V. Afremova  
)

AMENDMENT AFTER FINAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Final Office Action dated February 7, 2001, having a period for response set to expire on May 7, 2001, Applicants submit the following amendment:

IN THE CLAIMS:

*OL to V.A.*  
Cancel Claims 17, 18, 22, 23, 27, 28, 31, 32 without prejudice.

Amend Claims 15 and 25 to read as follows. The specific revisions to the amended claims are shown in Attachment I hereto.

15. (Amended) The composition according to Claim 13, wherein said composition is added to a food product selected from a list including cheese, sources of dietary fibre, fermented milk, dessert cream, cake, and tonic drink.

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FORM PTO-1083

Case Docket No. HER033

MAY 11 2001



In re Application of EDMOND DANIEL ROUSSEL ET AL.

Serial No. 09/321,554

Filed: August 23, 1999

Examiner: V. Afremova

Group: 1651

For: ABSORBABLE COMPOSITION CONTAINING PROPIONIC BACTERIA CAPABLE OF RELEASING NITRIC OXIDE IN THE HUMAN OR ANIMAL ALIMENTARY CANAL

TECH CENTER 1000/2900

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.  
[ ] No additional fee is required.

The fee has been calculated as follows:

	COL. 1	COL. 2	COL. 3	SMALL ENTITY	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST # PREVIOUSLY PAID FOR	PRESENT EXTRA	
TOTAL	12	MINUS	20	0	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					
	RATE		ADDITIONAL FEE	RATE	
	X \$ 9	\$		X \$ 18	\$ 0
INDEPENDENT	5	MINUS	5	0	
	X \$ 39	\$		X \$ 80	\$ 0
	X \$ 130	\$		X \$ 260	\$ 0
	TOTAL	\$		TOTAL	\$ 0

\*If the entry in Column 1 is less than the entry in Column 2, write "0" in Column 3.

\*\*If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\*If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Column 1 of a prior amendment or the number of claims originally filed.

[ ] Please charge my Deposit Account No. 02-0385, BAKER & DANIELS. A duplicate copy of this sheet is attached.

[ ] A check in the amount of \$ \_\_\_\_\_ is enclosed. (Check No. \_\_\_\_\_)

[ X ] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 02-0385, BAKER & DANIELS. A duplicate copy of this sheet is attached.

[ X ] Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

[ ] Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Anthony Niewyk  
Registration No. 24,871

Date: May 7, 2001

BAKER & DANIELS  
111 East Wayne Street, Suite 800  
FORT WAYNE, IN 46802  
TELEPHONE: 219-424-8000  
FACSIMILE: 219-460-1700